

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

OCT - 8 2014

DAVID J. MALAND, CLERK
BY
DEPUTY

UNITED STATES OF AMERICA

v.

NICHOLAS JOSEPH ROTUNDO

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§
§

NO. 4:14CR 166

INDICTMENT

The United States Grand Jury charges:

Count One

Violation: 18 U.S.C. §2261A(2)(B)
(Cyber Stalking)

Beginning on or about January 26, 2014, and continuing until in or about September 2014, in the Eastern District of Texas, and elsewhere, defendant **Nicholas Joseph Rotundo**, with the intent to harass or intimidate an individual known as C.C., used an interactive computer service or electronic communication service or electronic communication system of interstate commerce or any other facility of interstate commerce, namely, electronic mail, to engage in a course of conduct that caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to that person.

In violation of Title 18, United States Code, Section 2261A(2)(B).

Count Two

Violation: 18 U.S.C. §2261A(2)(B)
(Cyber Stalking)

Beginning on or about February 2, 2014, and continuing until on or about April 5, 2014, in the Eastern District of Texas, and elsewhere, defendant **Nicholas Joseph Rotundo**, with the intent to harass or intimidate an individual known as C.C., used an interactive computer service or electronic communication service or electronic communication system of interstate commerce or any other facility of interstate commerce, namely, Snapchat, to engage in a course of conduct that caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to that person.

In violation of Title 18, United States Code, Section 2261A(2)(B).

Count Three

Violation: 18 U.S.C. § 1030(a)(5)(A)
(Intrusion)

On or about the 17th day of October, 2012, in the Eastern District of Texas, and elsewhere, the defendant, **Nicholas Joseph Rotundo**, knowingly caused the transmission of a program, information, code, and command, and, as a result of such conduct, intentionally caused damage without authorization to a protected computer.

In violation of 18 U.S.C. § 1030(a)(5)(A) and (c)(4)(G).

Forfeiture Notice

(18 U.S.C. § 1030(i)(1)(A) and § 981(a)(1)(C); 28 U.S.C. § 2461(c))

Upon conviction for the offense alleged in Count Three of the indictment and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), Nicholas Rotundo, the defendant, shall forfeit to the United States of America any personal property that was used or intended to be used to commit or to facilitate the commission of such violation.

A TRUE BILL



FOREMAN

JOHN M. BALES
UNITED STATES ATTORNEY



WILLIAM R. TATUM
Assistant United States Attorney

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NOTICE OF PENALTY

Counts One & Two

Violation: 18 U.S.C. § 2261A(2)(B)

Penalty: Imprisonment for a term of not more than 5 years, a fine not to exceed \$250,000;
supervised release for a term of not more than 3 years.

Special Assessment: \$100.00

Count Three

Violation: 18 U.S.C. § 1030(a)(5)(A)

Penalty: Imprisonment for a term of not more than 1 year, a fine not to exceed \$100,000;
supervised release for a term of not more than 1 years.

Special Assessment: \$100.00